

Introduced by Senator Maldonado

February 21, 2008

An act to add Sections 23701m and 24357.11 to the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1463, as introduced, Maldonado. Corporation taxes: charitable contributions.

Existing law provides for the establishment of charitable, tax-exempt organizations, and allows a deduction in computing taxable income for charitable contributions made to those organizations.

This bill would provide for the establishment of a tax-exempt charitable trust to receive corporate donations to be used for purposes of state parks. In general, the governing board of the trust would consist of 7 members appointed by the Governor and Legislature. The trust would not be considered a state or governmental agency. In addition to other deductions in computing income subject to taxes under existing law, this bill would allow a deduction for 200% of any charitable contributions made to the trust.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23701m is added to the Revenue and
- 2 Taxation Code, to read:
- 3 23701m. (a) A nonprofit charitable trust established pursuant
- 4 to this section.

(b) The Governor and the Legislature may create the trust in accordance with all of the following:

(1) The trust shall consist of a governing board comprised of seven members.

(A) The Governor shall appoint one member.

(B) The Senate shall appoint three members.

(C) The Assembly shall appoint three members.

(2) Each member of the governing board of the trust shall serve no more than two four-year terms.

(3) The members of the governing board shall be subject to confirmation by the Senate and shall receive no salary or other compensation. At least two members shall be residents of southern California, defined as from, and including, San Luis Obispo County to the southern border, and at least two members shall be residents of northern California.

(4) The trust shall be organized as an organization that is exempt under Sections 23701d and Section 501(c)(3) of the Internal Revenue Code.

(5) The trust shall have the authority to accept corporate donations and deposit them into a trust fund.

(6) All moneys in the trust fund shall be held in trust and used as follows:

(A) Only for purposes of California park operations, maintenance, and other expenditures typically paid with state funds.

(B) The moneys in the trust fund shall not be accessed or otherwise expended until this state reduces funding by 2 percent or more for either the overall funding for all state parks or to one state park.

(C) All moneys in the trust fund shall be used to offset any reduction in funding by the state of state parks.

(c) The trust established pursuant to this section shall not be considered a state or governmental agency under the California Constitution or any other law.

SEC. 2. Section 24357.11 is added to the Revenue and Taxation Code, to read:

24357.11. In addition to any deduction allowed by Section 24357, there shall be allowed as a deduction an amount equal to 200 percent of any charitable contribution made by the taxpayer

- 1 during the taxable year to the trust established pursuant to Section
- 2 23701m.

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